

1 Fred W. Schwinn (SBN 225575)
 2 CONSUMER LAW CENTER, INC.
 3 12 South First Street, Suite 1014
 4 San Jose, California 95113-2403
 5 Telephone Number: (408) 294-6100
 6 Facsimile Number: (408) 294-6190
 7 Email Address: fred.schwinn@sjconsumerlaw.com

8 Attorney for Plaintiff
 9 JOANNE GRAFF

10 **IN THE UNITED STATES DISTRICT COURT
 11 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 12 SAN JOSE DIVISION**

13 JOANNE GRAFF,

14 Plaintiff,

15 v.

16 ARS NATIONAL SERVICES, INC., D/B/A
 17 ASSOCIATED RECOVERY SYSTEMS, a
 18 California corporation, and JASON A.
 19 HOWERTON, individually and in his official
 20 capacity,

21 Defendants.

22 Case No. C07-04406-HRL

23 **DECLARATION OF COUNSEL IN
 24 SUPPORT OF ENTRY OF DEFAULT
 25 AGAINST DEFENDANT, ARS
 26 NATIONAL SERVICES, INC.**

27 [Fed. R. Civ. P. 55(a)]

28 FRED W. SCHWINN, hereby declares under penalty of perjury, pursuant to 28 U.S.C. §
 1746, that the following statements are true and correct:

29 1. I am an attorney and counselor at law, duly admitted to practice before this
 30 Court, and the counsel of record for Plaintiff. In my capacity as the counsel of record for Plaintiff,
 31 I have personal knowledge of the matters stated in this declaration.

32 2. I hereby make application to the Clerk of this Court for entry of default as to
 33 Defendant, ARS NATIONAL SERVICES, INC., pursuant to Rule 55(a), Federal Rules of Civil
 34 Procedure, and in support of this application do show that:

35 a. Defendant was personally served, through its agent for service of
 36 process, with copies of Plaintiff's Summons and Complaint as
 37 provided by Rule 4(c)(1), Federal Rules of Civil Procedure;

- b. Upon Plaintiff's information and belief, Defendant, being a California corporation with its principal place of business in Escondido, California, is neither an infant nor an incompetent person requiring special service in accordance with Rule 4(g), Federal Rules of Civil Procedure, and is not serving with the armed forces of the United States entitled to the protection of 50 U.S.C. App. Section 520;
- c. Defendant has neither answered nor otherwise responded formally to Plaintiffs's Summons and Complaint, and the time to do so, as provided in Rule 12(a), Federal Rules of Civil Procedure, has expired;
- d. Copies of this Declaration and the Request for Entry of Default, seeking entry of default, which are being filed herewith, have this date been served upon Defendant by regular mail, postage prepaid.

Executed on October 17, 2007, at San Jose, California.

/s/ Fred W. Schwinn

Fred W. Schwinn, Esq.
Attorney for Plaintiff
JOANNE GRAFF